

the preview pane portion visually indicates the feature without the image capture device capturing the captured image, as recited in claim 1.

Barrett further fails to teach or suggest a graphical user interface for an image capture device able to capture an image based on control parameters, the graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image, wherein the preview pane portion visually indicates the feature without the image capture device capturing the captured image, as recited in claim 17.

Barrett also does not teach or suggest a method for displaying visual cues indicating capture parameters for a captured image including displaying a preview pane, and displaying within the preview pane, without the image capture device capturing the captured image, an image quality profile mimic, as recited in claim 33.

Barrett discloses a printing system 2 for comparing the programmed size of an image to be printed with the maximum available size for any image. In particular, Barrett teaches that the printing system 2 includes an image input section 4 having a document scanner section 6 for scanning documents 22, a controller section 7 and a printer section 8. Barrett teaches the image input section 4 and a processor 25, the image input section 4 having a document scanner section 6 for scanning documents 22, and the processor 25 including a scanner system control 25a, an automatic gain control 25b to convert analog image signals from the scanner section 6 into digital signals and a processor 25c. See col. 3, lines 23-32, 53-57, 67 – col. 4, line 9 and Figs 2-3 of Barrett.

Also, Barrett teaches using beams 94 to scan the documents 22 to form scanned image data input to be compressed and processed at a processor 51 of an image input controller 50. The image data are sent to the printer section 8 for printing before being purged from memory 86. See col. 4, lines 17-24, 56-67, col. 5, 15-33, col. 6, lines 3-6 and Fig. 2 of Barrett.

Also, Barrett teaches declaring a conflict for a programmed print image that exceeds the size of the maximum image allowed along one side. See col. 8, lines 30-63 and Fig. 12 of Barrett. The processed data may be returned to main memory 56, sent to a user interface 52 for display on a screen 62 or sent to an image output controller 60. See col. 5, lines 63-66 and Figs. 2-3 of Barrett.

Barrett discloses displaying, on the screen 62, a job ticket 150 including a maximum size print image 200. Barrett provides a paper stock window 215, a sides & orientation window 220, a reduce/enlarge window 230 and a print window 240 in the scales 242 and 244. Barrett displays a conflict message when the final print image 200 is compared to the maximum image size and does not fit the confines of the paper stock. See col. 8, lines 1-3, 12-15, 33-38, 49-63 and Fig. 12 of Barrett.

In the Response to Arguments, the Final Office Action asserts that Barrett discloses an image capture control system having a controller that provides control parameters and a graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image without the image capture device capturing the image.

Applicants respectfully disagree, and assert that Barrett teaches displaying the job ticket 150, the sides & orientation window 220 and the reduce/enlarge window 230 only after the document has been scanned and the image data have been processed, rather than before. Barrett teaches that the processors 25, 51 operate on the scanned image data. See col. 4, lines 2-8, col. 5, lines 25-33 of Barrett. Moreover, Barrett discloses that “a print window 240 is provided in which the print image 200 as currently programmed is displayed.” See col. 8, lines 19-21 and Fig. 10 of Barrett. Consequently, Barrett cannot disclose, teach or suggest a preview pane portion without capturing the image, as recited in claims 1, 17 and 33.

In addition, the Final Office Action asserts, in the Response to Arguments, that Barrett illustrates in a preview window a print image indicating the size and orientation of an original image based on provided parameters, implicitly corresponding to a prescan profile

mimic. Applicants respectfully submit that Barrett provides a window only after scanning (i.e., capturing) the document, instead of showing a preview pane without capturing the image, because Barrett uses the image data to provide the scanned information displayed on the screen 62.

Thus, Applicants respectfully assert that Barrett fails to teach disclose or suggest displaying a profile mimic without capturing a scanned image, as recited in claims 1 and 17. In particular, Barrett fails to provide a prescan profile mimic for representing an image quality profile, as provided in claim 33. By teaching scanning and compressing an image as scanned image data input, Barrett inherently cannot teach or suggest a preview pane portion visibly indicating at least one feature without the image capture device capturing the captured image, as recited in claims 1, 17 and 33.

A claim must be anticipated for a proper rejection under §102(a), (b) and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See MPEP §2131. Applicants respectfully assert that the Final Office Action does not satisfy this burden for rejection of the claims under §102 with Barrett.

For at least these reasons, Barrett fails to teach, disclose or suggest all of the features of claims 1, 17 and 33, and thus, Barrett cannot anticipate the subject matter of these claims under 35 U.S.C. §102(b). These reasons apply by extension to claims 2, 4-14 and 16 based on their dependence from claim 1, to claims 18, 20-30 and 32 based on their dependence from claim 17, and to claims 34-39 based on their dependence from claim 33. Withdrawal of the rejection of claims 1, 2, 4-14, 16-18, 20-30 and 32-39 under 35 U.S.C. §102(b) as anticipated by Barrett is respectfully requested.

The Final Office Action further rejects claims 3 and 19 under 35 U.S.C. §103(a) over Barrett in view of U.S. Patent No. 6,298,172 to Arney et al. (hereinafter “Arney”). This rejection is respectfully traversed.

Arney does not compensate for the deficiencies of Barrett outlined above with respect to claims 1 and 17. Nor does Arney teach, disclose or suggest the additional features recited in claims 3 and 19 for the crop/frame marquee section control indicating a cropped portion of the original image. Arney discloses a preview display screen 10 visible to the user when the platen cover 56 is closed. Activation of a control panel 32 enables a “snapshot” image on the platen 52 to be transferred to the preview device screen 10. A camera 34, with a lens 36, and a lightsource 38 in an image-processing system are moved with the image acquisition device 70 to render the snapshot image. See col. 4, lines 46-60, col. 5, line 53 – col. 6, line 8, col. 6, lines 27-34 and Fig. 1A of Arney. Applicants respectfully assert that Arney captures a preview image, which can subsequently be either stored or cleared. See col. 5, line 55 – col. 6, line 8 of Arney.

By teaching a preview image is to be captured and displayed, Arney teaches away from the claimed preview pane portion that visually indicates at least one feature of an image that would result, without actually capturing or displaying any resulting image. Thus, the preview display screen of Arney is not analogous to the preview pane portion visibly indicating at least one feature without the image capture device capturing the captured image recited in claims 1 and 17, or the image quality profile mimic recited in claim 33.

In the Response to Arguments, the Final Office Action asserts that Arney is not relied upon for a preview pane portion visually indicating features of a resulting image, but rather for its teaching of a framed portion of the original image. See col. 7, lines 34-46 and Figs. 2D-2E of Arney. Although the Response states that the Final Office Action does not rely on Arney teaching a preview pane portion, Applicants nonetheless assert that Arney does not compensate for this deficiency in Barrett. Further, Applicants assert that Arney also does not teach or suggest a framed portion of the original image, as recited in claims 3 and 19. Arney only teaches a frame image 14 to indicate on the preview display screen 10 the relative alignment of a workpiece 60 being displayed. Arney teaches displaying the workpiece 60

based on a scanned image from the image processing system 30. Thus, Arney fails to crop/frame marquee section control without capturing the image, and thus does not compensate for the deficiencies in Barrett, described above.

Further, there is no motivation to combine features related to a printing system for comparing the size of a print image of Barrett with a previewing scanner for providing a “snapshot” of Arney, nor has the Final Office Action established sufficient motivation or a *prima facie* case of obviousness. Even assuming that a proper motivation to combine the applied references could be established, the alleged combination fails to teach or suggest the features recited in claims 1 and 17, or claims 3 and 19.

In the Response to Arguments, the Final Office Action asserts that Barrett explains that the system has a processor 25 that communicates with a system controller and includes a scanner control, and discloses a preview window, and that Arney discloses a preview display screen having a frame-image portion. Applicants respectfully assert that neither reference suggests incorporation of embodiments of the other, and that therefore a person of ordinary skill in the art would lack motivation to combine their respective teachings.

For at least these reasons, the combination of Barrett and Arney fails to teach, disclose or suggest all of the features of claims 1 and 17. Thus, the combination of Barrett and Arney cannot render obvious the subject matter of claims 1 and 17 under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 3 and 19 under 35 U.S.C. §103(a) as unpatentable over the combination of Barrett and Arney is respectfully requested.

The Final Office Action further rejects claims 15 and 31 under 35 U.S.C. §103(a) over Barrett in view of U.S. Patent No. 6,317,141 to Pavley et al. (hereinafter “Pavley”). This rejection is respectfully traversed.

Pavley does not compensate for the deficiencies of Barrett outlined above with respect to claims 1 and 17. Nor does Pavley teach, disclose or suggest the additional features of the preview pane portion including an image quality profile mimic that visually indicates a

currently selected image quality profile to be used when generating the captured image from the original image, as recited in claims 15 and 31.

Pavley discloses editing media objects in a digital imaging device, such as a digital video camera (DVC) 100. See Abstract and col. 5, lines 1-9 of Pavley. Specifically, Pavley discloses a review mode screen image area 304 and an icon/information area 306 of an object cell 300 to display a small low-resolution version of the image from the DVC 100 of Pavley. See col. 7, lines 57-65 and Fig. 4A of Pavley. By rendering the image for playback, Pavley teaches away from an image quality profile mimic, as recited in claims 15 and 31, as well the a preview pane portion recited in claims 1 and 17. Moreover, Pavley teaches combining and annotating images from different media types. See col. 7, lines 3-23 of Pavley. Hence, Pavley lacks any teaching of quality image mimic, but rather provides information on image source media and their concatenation. Thus, any permissible combination of the teachings of Barrett and Pavley fails to teach or suggest a preview pane portion as recited in claims 1 and 17.

In the Response to Arguments, the Final Office Action asserts that Barrett teaches an image quality icon and a preview window, and that Pavley teaches graphical icons that associate media type with a displayed media object and to indicate an icon selection. Applicants respectfully assert that the icons and selection options taught in Pavley have no relationship to image quality profiles, as discussed above.

Further, there is no motivation to combine features related to the printing system for comparing the size of a print image of Barrett with a mode dial 202 of the digital video camera of Pavley, nor has the Final Office Action established sufficient motivation or a *prima facie* case of obviousness. Even assuming that a proper motivation to combine the applied references could be established, the alleged combination fails to teach or suggest the features recited in claims 1 and 17.

For at least these reasons, the combination of Barrett and Pavley fails to teach, disclose or suggest all of the features of claims 1 and 17. Thus, the combination of Barrett and Pavley cannot render obvious the subject matter of claims 1 and 17, much less the dependent claims 15 and 31 under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 15 and 31 under 35 U.S.C. §103(a) as unpatentable over the combination of Barrett and Pavley is respectfully requested.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j). Applicants respectfully assert that the Final Office Action does not satisfy this burden for rejection under §103 with Barrett, Arney and/or Pavley.

In response to responses to arguments set forth in the Final Office Action as well as to comments expressed during the telephone interview, Applicants respectfully assert that Barrett teaches a final print image 200 programmed within the confines of the maximum image size of the system and provides a comparison of the programmed image size in system image size window 245 and the maximum image allowed in window 240. See col. 8, lines 44-63 and Fig. 12 of Barrett. Because this operation is performed subsequent to image scanning, Barrett does not teach or suggest a preview pane portion that visually indicates at least one feature of a resulting captured image without the image capture device capturing the captured image, as recited in claims 1 and 17.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Gerhard W. Thielman
Registration No. 43,186

JAO:GWT/gwt

Date: March 11, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
--